

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-220450.2 **DATE:** January 28, 1986

MATTER OF: Affiliated Van Lines, Inc.--
Reconsideration

DIGEST:

Prior decision, holding that contracting officers are not required to question the validity of a required license or permit that is submitted by a bidder before award and that is valid on its face in the absence of some appropriate indication that the license may not be valid, is affirmed where the protester fails to present facts or legal arguments which were not previously considered.

Affiliated Van Lines, Inc. requests reconsideration of our decision in Affiliated Van Lines, Inc., B-220450, Dec. 13, 1985, 85-2 CPD ¶ ___, dismissing its protest that the Army improperly awarded a contract for moving and storage services to Victory Van and Storage, Inc. under invitation for bids (IFB) No. DABT39-85-B-0183. Affiliated alleged that Victory does not hold a valid operating certificate from the Interstate Commerce Commission (ICC) to provide the services, as required by the solicitation.

We affirm the prior decision.

Affiliated alleged in its original protest that Victory does not hold a current valid operating certificate because: 1) the certificate was originally issued to a separate and distinct corporation, Family Moving and Storage Company, Inc., that has been suspended in the State of Oklahoma and that has no operating authority within that state; and 2) Family has never properly transferred its ICC operating authority to Victory and has no legal authority to effect any such transfer because of its suspension. Thus, in our prior decision, we characterized the thrust of Affiliated's protest as a contention that the contracting officer should not have accepted Victory's ICC certification because the authority originally issued to Family Moving and Storage could not properly have been transferred to anyone.

We dismissed the protest because we found that the ICC certificate submitted to the contracting officer by Victory was valid on its face, and we stated that contracting

034400

officers are not required to go beyond such a certification in the absence of some appropriate indication that the certification is not valid. We further stated that Affiliated had failed to state a valid basis for protest because the protester did not suggest that the contracting officer, prior to award, had any valid basis to question the validity of Victory's certification since the public documents in the possession of the contracting officer indicated that a change of name from Family Moving and Storage to Victory had been granted to Victory by the ICC.

Affiliated's reconsideration request reiterates the argument in its original protest that the public documents indicating only a change of name were sufficient to place the contracting officer on notice of the alleged invalidity of the operating certificate. Affiliated argues that the name change procedure cannot effectuate a transfer of ICC operating authority, and that the contracting officer should have known this.

Under our Bid Protest Regulations, a request for reconsideration must contain a detailed statement of the factual and legal grounds upon which reversal or modification of a decision is deemed warranted and must specify any errors of law made in the decision or information not previously considered. 4 C.F.R. § 21.12(a) (1985). Information not previously considered refers to information which was overlooked by our Office or information to which the protester did not have access when the initial protest was pending. BECO Corp.--Reconsideration, B-219350.2, June 20, 1985, 85-1 CPD ¶ 707. Repeating its argument that the Army had appropriate indication that Victory's certification was not valid does not meet this standard. Id.

While Affiliated believes that in the absence of specific indication that the certificate of operating authority originally issued to Family had been transferred to Victory the contracting officer should have questioned the certificate's validity, we think the contracting officer was reasonable in relying on the apparently valid certificate accompanied by the change of name order issued by the ICC. Affiliated's mere disagreement with our prior decision provides no basis for reversing the decision. Mayden & Mayden--Reconsideration, B-218422.2, May 13, 1985, 85-1 CPD ¶ 539.

The prior decision is affirmed.

for *Leymon E. Van Cleve*
Harry R. Van Cleve
General Counsel